

FILED

SEP 18 2018

**U.S. DISTRICT COURT
EASTERN DISTRICT OF MO
ST. LOUIS**

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

NAKIA PHILLIPS,

Defendant.

No. S2-4:17 CR0273 RLW

SUPERSEDING INFORMATION

COUNT I

The United States Attorney charges that:

At all times pertinent to the charges in this indictment:

1. Federal law defined the term

(a) "minor" to mean any person under the age of eighteen years (18 U.S.C. § 2256(1));

(b) "sexually explicit conduct" to mean actual or simulated--

(i) sexual intercourse, including genital-genital, anal-genital, oral-genital, oral-anal, whether between persons of the same or opposite sex,

(ii) bestiality,

(iii) masturbation,

(iv) sadistic or masochistic abuse, or

- (v) lascivious exhibition of the genitals or pubic area of any person (18 U.S.C. §2256(2)(A));
- (c) "computer" to mean an electronic, magnetic, optical, electrochemical or other high speed data processing device performing logical, arithmetic or storage functions, including any data storage facility or communications facility directly related to or operating in conjunction with such device. (18 U.S.C. §2256(6));
- (d) "child pornography" to mean any visual depiction, including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct, where--
 - (A) the production of such visual depiction involves the use of a minor engaging in sexually explicit conduct; or
 - (C) such visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaging in sexually explicit conduct (18 U.S.C. §2256(8)).

2. The "Internet" was, and is, a computer communications network using interstate and foreign lines to transmit data streams, including data streams used to store, transfer and receive graphic files.

3. The Defendant has a prior conviction for Statutory Rape Second Degree; Statutory Sodomy Second Degree from St. Louis County, Missouri Circuit Court in cause number 00CR04925.

4. Between on or about August 1, 2016 and on or about September 7, 2016, in the Eastern District of Missouri, and elsewhere,

NAKIA PHILLIPS

the defendant herein, did knowingly possess material that contains a video of child pornography that was produced using materials that traveled in interstate and foreign commerce, to wit: a ZTE Cell phone that was produced outside of Missouri and, therefore, has traveled in interstate and foreign commerce, and said cell phone contained child pornography, including but not limited to the following:

- 1) "444" - A graphic video that depicts the female minor child, S.J., in a lascivious display of her genitals,
- 2) Image file that depicts the female minor child, S.J., in a lascivious display of her genitals.

In violation of Title 18, United States Code, Section 2252A(a)(5)(B).

COUNT II

The Grand Jury further charges that:

1. The allegations contained in paragraphs one, two, and three of Count I of this Indictment are incorporated by reference as if fully set forth herein.
2. Between on or about August 1, 2016 and on or about September 7, 2016, in the Eastern District of Missouri, and elsewhere,

NAKIA PHILLIPS,

the defendant herein, did knowingly possess material that contains a video of child pornography that was produced using materials that traveled in interstate and foreign commerce, to wit: a ZTE

Cell phone that was produced outside of Missouri and, therefore, has traveled in interstate and foreign commerce, and said cell phone contained child pornography, including but not limited to the following:

- 1) "442" - A graphic video that depicts the female minor child, S.J., having vaginal sexual intercourse with the defendant,
- 2) "443" - a graphic video file that depicts the female minor child, S.J., having vaginal sexual intercourse with the defendant.

In violation of Title 18, United States Code, Section 2252A(a)(5)(B).

COUNT III

The Grand Jury further charges that:

3. The allegations contained in paragraphs one, two, and three of Count I of this Indictment are incorporated by reference as if fully set forth herein.
4. Between on or about August 1, 2016 and on or about September 7, 2016, in the Eastern District of Missouri, and elsewhere,

NAKIA PHILLIPS,

the defendant herein, did knowingly possess material that contains a video of child pornography that was produced using materials that traveled in interstate and foreign commerce, to wit: a ZTE Cell phone that was produced outside of Missouri and, therefore, has traveled in interstate and foreign commerce, and said cell phone contained child pornography, including but not limited to the following:

- 1) "441" - A graphic video that depicts the female minor child, S.J., performing sex on the defendant.

In violation of Title 18, United States Code, Section 2252A(a)(5)(B).

Respectfully Submitted,

JEFFREY B. JENSEN
United States Attorney



COLLEEN C. LANG, #56872MO
Assistant United States Attorney

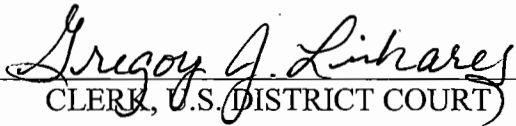
UNITED STATES OF AMERICA)
EASTERN DIVISION)
EASTERN DISTRICT OF MISSOURI)

I, Colleen C. Lang, Assistant United States Attorney for the Eastern District of Missouri,
being duly sworn, do say that the foregoing information is true as I verily believe. .




COLLEEN C. LANG, #56872MO

Subscribed and sworn to before me this 18th day of September, 2018. .



CLERK, U.S. DISTRICT COURT

By: 

DEPUTY CLERK